

IN THE CLAIMS:

Please amend the claims to read as follows. This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A nucleic acid molecule comprising a first polynucleotide that comprises a first nucleotide sequence encoding an APO2L polypeptide chosen from a continuous sequence of:
 - (a) SEQ ID NOS:~~14 and 16-18, 16, or 18;~~
 - (b) a polynucleotide encoding a polypeptide comprising [[a]] an amino acid sequence chosen from of SEQ ID NO:15, and 21- or 22;
 - (c) a complementary polynucleotide comprising a complementary nucleotide sequence that is complementary to the first nucleotide sequence of (a); and
 - (d) a biologically active fragment of any of (a) – (c);

wherein the nucleic acid molecule is an isolated molecule.

2 - 3. (Cancelled)

4. (Currently amended) The nucleic acid molecule of claim 1, wherein the first nucleotide sequence is a biologically active fragment of SEQ ID NO:14 and consists essentially of SEQ ID NO:17.

5. (Currently amended) The nucleic acid molecule of claim 1, wherein the first nucleotide sequence [[is]] comprises SEQ ID NO:18.

6. (Currently amended) The nucleic acid molecule of ~~either claim 4 or 5~~
claim 1, further comprising a second polynucleotide.

7. (Original) The nucleic acid molecule of claim 6, wherein the second polynucleotide comprises a second nucleotide sequence encoding a secretory leader, and the secretory leader is a homologous or heterologous leader.

8. (Cancelled)

9. (Original) The nucleic acid molecule of claim 7, wherein the secretory leader is a secretory leader chosen from SEQ ID NOS:26-223.

10. (Currently amended) A polypeptide comprising a first amino acid sequence, wherein the first amino acid sequence comprises a continuous sequence [[is]] chosen from:

- (a) SEQ ID NO:~~15 and 21-22~~ 15 or 22;
- (b) a sequence encoded by one of SEQ ID NOS:~~14 and 16-18~~ 14, 16, or 18;
and
- (c) an active fragment of (a) or (b); wherein the polypeptide is an isolated molecule.

11. (Original) The polypeptide of claim 10, wherein the polypeptide is present in a cell culture.

12 - 14. (Cancelled)

15. (Currently amended) The polypeptide of claim 10, wherein the first amino acid sequence is [[the]] an active fragment of SEQ ID NO:15 and consists essentially of an amino acid sequence of SEQ ID NO:21.

16. (Cancelled)

17. (Original) The polypeptide of claim 10, wherein the polypeptide further comprises a second amino acid sequence, and the second amino acid sequence is a secretory leader, the secretory leader is a homologous leader or a heterologous leader, and wherein the first and second amino acid sequences are operably linked.

18. (Cancelled)

19. (Currently amended) The polypeptide of claim [[18]] 17, wherein the heterologous secretory leader sequence is a heterologous leader sequence, and the heterologous leader sequence is chosen from SEQ ID NOS:26-223.

20. (Cancelled)

21. (Original) A vector comprising the nucleic acid molecule of claim 1 and a promoter that regulates the expression of the nucleic acid molecule.

22 - 25. (Cancelled)

26. (Currently amended) A recombinant host cell comprising a cell and the nucleic acid molecule of any of claim 1, 4 or 5, the polypeptide of claim 10, 15, or 16, or the vector of claim 21 claim 1.

27 - 41. (Cancelled)

42. (Original) A method of producing a recombinant host cell comprising:
(a) providing a vector that comprises the nucleic acid molecule of claim 1; and
(b) allowing a cell to come into contact with the vector to form a recombinant host cell transfected with the nucleic acid molecule.

43. (Original) A method of producing a polypeptide comprising:
(a) providing the nucleic acid of claim 1; and
(b) expressing the nucleic acid molecule in an expression system to produce the polypeptide.

44 - 47. (Cancelled)

48. (Original) A polypeptide produced by the method of claim 43.

49 - 52. (Cancelled)

53. (Currently amended) The polypeptide of claim 10 or a polypeptide produced by the method of any of claims 43-49, wherein the polypeptide further comprises at least one fusion partner.

54. (Cancelled)

55. (Currently amended) A method of inhibiting tumor growth comprising:

(a) providing a composition comprising the that comprises a polypeptide chosen from any one of claims 10, 15, 16, 48, and an active fragment of any of these and a carrier; and

(b) contacting the tumor with the composition;

wherein the polypeptide comprises a first amino acid sequence, and the first amino acid sequence comprises a continuous sequence chosen from: (i) SEQ ID NOS:15 or 22; (ii) a sequence encoded by one of SEQ ID NOS:14, 16, or 18; and (iii) an active fragment of (i) or (ii).

56 - 73. (Cancelled)

74. (Currently amended) A method of treating a tumor in a subject comprising:

- (a) providing a first composition comprising ~~fragments of mature APO2L polypeptide~~ the polypeptide of claim 10;
- (b) providing a second composition comprising an anti-cancer agent different from the polypeptide of claim 10; and
- (c) administering the first and second compositions to the subject.

75 - 90. (Cancelled)

91. (New) The polypeptide of claim 10, wherein the first amino acid sequence comprises SEQ ID NO:22.